

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, and 6193

RULE REPEAL AND PROMULGATION: DMR Regulation 95.03 JJ, Closed Area No. 17-C, Bailey Island, Orrs Island, and nearby southwest Sebascodegan Island (Harpwell), promulgated on October 3, 2006, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.03 JJ, Closed Area No. 17-C, Bailey Island, Orrs Island, and nearby southwest Sebascodegan Island (Harpwell)

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Orrs Island, Bailey Island, and the southwest part of Sebascodegan Island, within 500 feet of the shore, bounded by the following lines: (1) south of a line beginning at the north tip of Dogs Head, then running southeast to the south tip of land on the west side of Lumbos Hole, then continuing east to a red painted post located on the east shore of Lumbos Hole, approximately 200 yards northwest of the Orrs Island bridge; AND north and west of the Orrs Island bridge; (2) south of a line beginning on the west shore of Gun Point Cove at Rick Elliot's dock, just south of a small unnamed cove (approximately 3800 feet south of the head of the cove), then running due east to the opposite shore; (3) southeast of the point of land at the east of the mouth of Card Cove.
- B. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Gun Point Cove: north of a line beginning on the west shore of Gun Point Cove at Rick Elliot's dock, just south of a small unnamed cove (approximately 3800 feet south of the head of the cove), then running due east to the opposite shore; AND south and east of the Orrs Island bridge. This area is classified as "Restricted," and requires a special MDMR permit.
- C. Effective immediately, because of pollution, the shores, flats and waters of Card Cove: south of a line beginning at the point of land at the east side of the mouth of Card Cove, then running due west across the mouth of Card Cove to the opposite shore, are classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through September 30.

EFFECTIVE DATE: November 21, 2006

EFFECTIVE TIME: 12:45 PM

AGENCY CONTACT PERSON:

Amy M. Fitzpatrick
Department of Marine Resources
194 McKown Point Road
W. Boothbay Harbor, Maine 04575
http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm

TIMES RECORD
November 24, 2006

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 JJ, Closed Area No. 17-C, Bailey Island, Orrs Island, and nearby southwest Sebascodegan Island (Harpwell), promulgated on October 3, 2006, and replaces it with a new rule. This new rule opens the Conditionally Approved area in Card Cove. Department personnel have surveyed and sampled the area, and have determined that water quality in Card Cove meets Conditionally Approved standards.

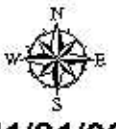


DAVID ETNER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Pollution Closed Area No. 17-C



Bailey Is, Orrs Is, and nearby southwest Sebascodegan Is (Harpswell)

11/21/06

